

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----  
PHYTO TECH CORP. d/b/a BLUE CALIFORNIA,

Plaintiff,

Civil Action No.  
1:19-cv-09033-JGK

v.

GIVAUDAN SA,

Defendant.  
-----

**ORDER GRANTING LIQUIDATING TRUSTEE'S MOTION FOR CONTROL OF  
ACCOUNTS AND TURNOVER OF UNENCUMBERED FUNDS**

This matter coming before the Court on the *Liquidating Trustee's Motion for Control of Accounts and Turnover of Encumbered Funds* (the "Motion"),<sup>1</sup> filed December 21, 2020; and the Court having reviewed and considered the Motion; and no party which has appeared herein having opposed the relief sought herein; and after due deliberation thereon; and good and sufficient cause appearing therefor, IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED as set forth herein.
2. The Liquidating Trustee is authorized to immediately take control of the Accounts.
3. The Liquidating Trustee is authorized to immediately transfer the cash in the Unencumbered Account to a new, segregated account within his control.
4. Immediately upon the release of the lien of East West Bank on the Encumbered Account, the Liquidating Trustee is authorized to transfer the cash in the Encumbered Account to the same Trustee-controlled account such that all BGN funds reside in one account.

DATED: December 30, 2020

/s/ John G. Koeltl  
Hon. John G. Koeltl  
United States District Judge

-----  
<sup>1</sup> Capitalized terms used but not defined herein have the meanings ascribed to such terms in the Motion.